

Office of
The City Attorney
City of San Diego

MEMORANDUM
MS 59

(619) 533-5800

DATE: October 21, 2008
TO: Sabrina Curtin, Docket Coordinator
FROM: Keith Phillips, Deputy City Attorney
SUBJECT: *Linda Woodbury v. City of San Diego*

Attached please find Resolution R-2009-348 setting forth the approval of the City Council in Closed Session on September 23, 2008. The vote taken in Open Session shall be the official vote.

Pursuant to the requirements, it is appropriate for this Resolution to be placed on the next available Council docket for Council adoption confirming the Council's action in Closed Session. It is therefore requested that it be calendared for the next available docket.

Attachment

001365

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE ONLY)

2900289

120
11/18

TO:
CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):
CITY ATTORNEY

September 24, 2008

4. SUBJECT:
SETTLEMENT OF PERSONNEL CLAIM OF LINDA WOODBURY
RISK MANAGEMENT FILE #: LX07-0058-2095

5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.)
Keith Phillips (619) 236-6695 MS-59

6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.)
Janice Ellis (619) 236-7705 MS-51B

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	81140		
DEPT.	81140		
ORGANIZATION	3501		
OBJECT ACCOUNT	4823		
JOB ORDER	081141		
C.I.P. NUMBER			
AMOUNT	\$450,000.00		

9. ADDITIONAL INFORMATION / ESTIMATED COST:
\$450,000 - Total Settlement

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	
1	ORIGINATING DEPARTMENT	<i>[Signature]</i>	9/25/08	8	DEPUTY CHIEF			
2	RISK MANGEMENT	<i>[Signature]</i>	9-25-08	9	CFO	<i>[Signature]</i>	10/20/08	
3	COMPTROLLER	<i>[Signature]</i>	10/9/08	10	CITY ATTORNEY			
4	LIAISON OFFICE	<i>[Signature]</i>	9/30/08	11	ORIGINATING DEPARTMENT	<i>[Signature]</i>	9/25/08	
5	FINANCIAL MANAGEMENT	<i>[Signature]</i>	10/7/08		DOCKET COORD:	COUNCIL LIAISON: <i>[Signature]</i>	11/4/08	
6					<input checked="" type="checkbox"/> COUNCIL PRESIDENT	<input type="checkbox"/> SPOB	<input checked="" type="checkbox"/> CONSENT	<input type="checkbox"/> ADOPTION
7					<input type="checkbox"/> REFER TO:	COUNCIL DATE: 11/18/08		

11. PREPARATION OF:

RESOLUTION(S) ORDINANCE(S) AGREEMENT(S) DEED(S)

1. Authorizing the Mayor to pay the sum of \$450,000.00 in settlement of each and every claim against the City, its agents and employees, resulting from the Personnel Claim of LINDA WOODBURY.
2. Authorizing the City Comptroller to issue one check in the amount of \$450,000.00 payable to LINDA WOODBURY AND HER ATTORNEY OF RECORD JOSHUA GRUENBERG.
3. Authorizing the expenditure of \$450,000.00 from the Public Liability Fund 81140.

11A. STAFF RECOMMENDATIONS:

Approve the resolution

12. SPECIAL CONDITIONS:

COUNCIL DISTRICT(S): N/A

COMMUNITY AREA(S): NONE

ENVIRONMENTAL IMPACT: NONE

HOUSING IMPACT: This activity is not a project and therefore exempt from CEQA pursuant to the State Guidelines Section 15060(c) (3).

OTHER ISSUES: NONE

001367

EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE ISSUED: September 24, 2008
ATTENTION: Council President and City Council
ORIGINATING DEPARTMENT: City Attorney
SUBJECT: Settlement of Personnel Claim of LINDA WOODBURY
City File #: LX07-0058-2095
COUNCIL DISTRICT(S): N/A
CONTACT/PHONE NUMBER: Keith Phillips (619) 236-6695

REQUESTED ACTION: Authorizing the Mayor to pay the sum of \$450,000.00 in settlement of each and every claim against the City, its agents and employees, resulting from the Personnel Claim of LINDA WOODBURY.

STAFF RECOMMENDATION: Approve the resolution.

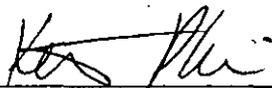
EXECUTIVE SUMMARY: The proposed settlement would resolve all claims arising from the Personnel Claim of LINDA WOODBURY.

FISCAL CONSIDERATIONS: Settlement will be paid from the Public Liability Fund. *in the amount of \$450K, (Fund 81140).*

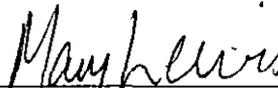
PREVIOUS COUNCIL and/or COMMITTEE ACTION: This item was considered in closed session on September 23rd, 2008 the City Council approved the settlement amount of \$450,000.00. City Council voted 6 to 0 with two members absent to approve. The motion was made by Councilmember Maienschein with a second by Councilmember Young. Council President Peters and Councilmember Faulkner were absent.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A



Originating Department



Chief Financial Officer

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

001569

CERTIFICATE OF UNALLOTTED BALANCE
ORIGINATING

AC 2900289
 DEPT. NO.: 045

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: _____ Fund: _____

Purpose: _____

Date: _____ By: _____
 AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$450,000.00

Vendor: Linda Woodbury and her Attorney of Record Joshua Gruenberg

Purpose: Authorize the Mayor to pay the sum of \$450,000 in settlement of each and every claim against the City, its agents and employees, resulting from the Personnel Claim of Linda Woodbury. Authorize the City Comptroller to expend and issue one check to the above vendor from the Public Liability Fund (81140)

Date: October 9, 2008 By: *Pam Halbot* 10/9/08
 AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	81140	81140	3501	4823	081141				\$450,000.00
TOTAL AMOUNT										\$450,000.00

FUND OVERRIDE

AC 2900289

001371

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO
AUTHORIZING THE SETTLEMENT AGREEMENT BETWEEN
LINDA WOODBURY AND THE CITY OF SAN DIEGO IN THE
AMOUNT OF FOUR HUNDRED FIFTY THOUSAND DOLLARS

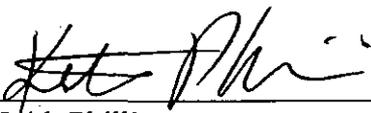
WHEREAS, in Closed Session on September 23, 2008, by motion of Councilmember
Maienschein and second by Councilmember Young, the City Council, by the following Vote:
Yeas, 6; Nays, None; Not Present, Council President Peters and Council President Pro Tem
Madaffer, approved the following motion:

To approve the settlement agreement of each and every claim against the City of San
Diego, its agents and employees, resulting from the personnel claim of *Linda Woodbury v. City
of San Diego*, San Diego Superior Court Case No. 37-2007-00068277-CU-WT-CTL.

BE IT RESOLVED, that the City Auditor and Comptroller be and is hereby authorized to
issue a check in the amount of but not exceeding \$450,000 made payable to the Law Offices of
Larabee & Gruenberg, in trust, for the benefit of Linda Woodbury and her attorney Josh
Gruenberg, in full settlement of the lawsuit and of all claims.

BE IT FURTHER RESOLVED, that the City Council is hereby authorized to pay the
sum of \$450,000 from the Public Liability Fund 81140.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Keith Phillips
Deputy City Attorney

KP:my

9/19/2008
Or.Dept: Risk
Aud. Cert.: 2900289
R-2009-348

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor